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8 Attorneys for:  
9 JAMES MASON

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11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 **JANE DOE,**

14 **Plaintiff,**

15 **v.**

16 **CITY OF SAN MATEO,**

17 **Defendant.**

**Case No. 3:07-CV-5596**

**JAMES MASON'S NOTICE OF  
WITHDRAWAL OF MOTION FOR  
INTERVENTION AND MOTION TO  
UNSEAL THE COMPLAINT, OR,  
ALTERNATIVELY, MOTION TO  
MODIFY THE PROTECTIVE ORDER**

18 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

19 Please take notice that pursuant to Local Rule 7-7(e), James Mason, through his counsel,  
20 Harry S. Stern of RAINS LUCIA STERN, PC hereby notices this court of his withdrawal of his  
21 previously filed Motion to Intervene and Motion to Unseal the Complaint, or, Alternatively,  
22 Motion to Modify the Protective Order in the above entitled matter.

23 On December 4, 2007, James Mason timely filed a Motion to Intervene in the instant case  
24 for the limited purpose of unsealing the complaint, or alternatively, to modify the protective  
25 order. As noted in Mason's motions, intervention is the procedurally appropriate course for a  
26 third party to challenge the appropriateness of protective orders. *See, Beckman Indus., Inc. v.*  
27 *Int'l Ins. Co.*, 966 F.2d 470, 472-73 (9th Cir. 1992) citing *Public Citizen v. Liggett Group, Inc.*,  
28 858 F.2d 775, 783-84 (1st Cir. 1988). At the time of filing these motions, Mason was the  
defendant in a related civil suit in California state court brought by the same Plaintiff. As the

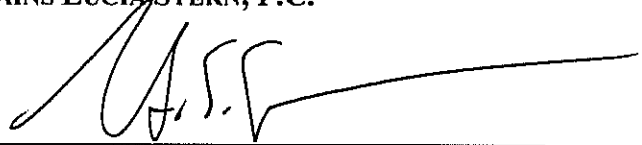
1 Plaintiff's claim here was filed under seal, Mason was unable to access the record before this  
2 court, possibly subjecting the Defendants in both cases to conflicting pleadings and legal  
3 arguments, as well as the unnecessary expense of time and resources. The hearing on the motion  
4 to unseal the complaint was after the scheduled trial date in the state court action. Therefore, the  
5 motion to unseal became moot and is hereby withdrawn.

6 THEREFORE, James Mason respectfully requests that the court recognize and accept his  
7 Notice of Withdrawal.

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9 Dated: April 30, 2008

Respectfully Submitted,

10 RAINS LUCIA STERN, P.C.

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13 By: Harry S. Stern  
Attorneys for JAMES MASON  
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**PROOF OF SERVICE**

I, Maggie Bedig, am a citizen of the United States, and am over 18 years of age. I am employed in Contra Costa County and am not a party to the above-entitled action. My business address is Rains Lucia Stern, PC, Contra Costa Blvd., Suite 230, Pleasant Hill, California 94523.

On the date set forth below I served a true and correct copy(ies) of the following document(s):

**JAMES MASON'S NOTICE OF WITHDRAWAL OF MOTION FOR INTERVENTION  
AND MOTION TO UNSEAL THE COMPLAINT, OR, ALTERNATIVELY, MOTION TO  
MODIFY THE PROTECTIVE ORDER**

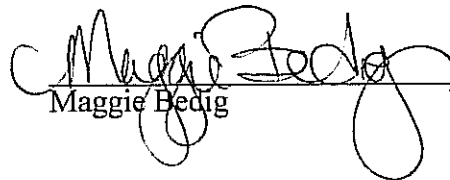
upon all parties addressed as follows:

Jane Doe  
1700 N. Point #107  
San Francisco, CA 94123

said service was effected as indicated below:

- ☐ HAND DELIVERY - I placed true and correct copies of the above-referenced document(s) in a sealed envelope, addressed to the above-named parties, and personally delivered them.
- ☐ FACSIMILE TRANSMISSION - I caused true and correct copies of the above-referenced document(s) to be delivered by electronic facsimile transmission.
- ☒ MAIL - I placed true and correct copies of above-referenced document(s) in a sealed envelope, properly addressed to the above-named parties, with postage prepaid in a receptacle regularly maintained by the United States Post Office.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and was executed on April 30, 2008, at Pleasant Hill, California.

  
Maggie Bedig